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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,474	01/09/2004	Vincent Muniere	Q79100	6433

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EXAMINER

DOAN, PHUOC HUU

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/753,474

Applicant(s)

MUNIERE, VINCENT

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9, 11, and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. Claim 13, 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 13 contains subject matter which was not described in the specification "second information comprises identification of a cell in which the mobile station currently resides and state of the cell".

Claim 14 contains subject matter which was not described in the specification "the second information further comprises whether...(EGPRS) enabled or not..."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-2, 7-9, 11, 13-15, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by **Hamiti (US Pub No: 2004/0047437)**.

As to **claim 1, 9, 11**, Hamiti discloses a method for optimizing quality of service in the packet-switched domain of a mobile communication system (See Abstract), the method comprising: sending by a core network entity (Fig. 8, item 22; SGSN) of said system sends to a radio access network entity (Fig. 5, item 18; BSS/GERAN) of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station (page 8, par. [0091-0093]), said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity (page 8, par. [0095-0096]); and adding by said core network entity to said request second information that is known at a of said core network entity (page 9, par. [0097-0098]).

**As to claim 2**, Hamiti further discloses a method according to claim 1, wherein said second information comprise information representative of radio access capabilities of said mobile station (page 9, par. [0098]).

**As to claim 7**, Hamiti further discloses a method according to claim 1, wherein said setting-up or reconfiguration of a radio bearer comprise the creation or modification of a Packet Flow Context (page 9, par. [0099]).

**As to claim 8**, Hamiti further discloses a method according to claim 7, wherein said request for the setting-up or the reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message (page 8, par. [0090] “the link between MS and GERAN in associated Fig. 6, 7 with description”).

**As to claim 13**, Hamiti further disclose wherein: the core network entity is a node of a General Packet Radio Service (GPRS) network (page 7, par. [0084]); the GPRS node sends the request to a node of a Radio Access Network (1GN) (page 7, par. [0084]); the first information is derived from the corresponding request for connection of the mobile station (page 8, par. [0092]); second information comprises identification of a cell in which the mobile station currently resides and state of the cell (page 8, par. [0095]); and the RAN node determines whether to establish the connection for the requesting mobile station based on the first and

second information received in the request from the GPRS node, by executing the call admission control (page 7, par. [0084-0086]).

**As to claim 14**, Hamiti further discloses wherein the second information further comprises whether the mobile station is an Enhanced General Packet Radio Service (EGPRS) enabled or not and whether the cell in which the mobile station currently resides is EGPRS enabled or not (See page 7, par. [0084-0085]).

**As to claim 15**, Hamiti further discloses wherein the GPRS node is a serving GPRS support node (SGSN) and wherein the RAN node is a base station subsystem (See Fig. 5, items 18, 22 and description).

**As to claim 18**, Hamiti further discloses wherein said second information comprises information representative of radio access capabilities of said mobile station (See Fig. 8 with description).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **3-6, and 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamiti in view of **Livet (US Pub No: 2004/0132441)**.

**As to claim 3**, Hamiti discloses all the limitation of a method of claim 1. However, Hamiti does not disclose wherein said radio access capabilities comprise capabilities to support higher data rates.

In the same field of endeavor, Livet discloses wherein said radio access capabilities comprise capabilities to support higher data rates (page 8, par. [0049]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to support higher data rates as taught by Livet to the system of Hamiti in order to enhance the capacity of network.

**As to claim 4**, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a multislot capability (page 2, par. [0017] “**a first time slot load, and a second time slot load**”).

**As to claim 5**, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a capability to support different data transfer modes (page 4, par. [0028-0029]).

**As to claim 6**, Livet further discloses a method according to claim 5, wherein said different data transfer modes comprise the GPRS (General Packet Radio Service) mode and the EGPRS (Enhanced General Packet Radio Service) mode (page 4, par.

[0028-0029] “Livet disclose the using of the different data transfer modes can be used on the GPRS and EGPRS which inherently of network nodes”).

As to **claim 16, 17**, Hamiti discloses at the level based on said first information together with said second information (page 9, par. [0098]). However, Hamiti does not disclose by performing a call admission control (CAC).

Livet discloses by performing a call admission control (CAC) (See TABLE 2 with description). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a call admission control as taught by Livet to the system of Hamiti order to set up reconfiguration by enhance service the network nodes.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened




statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

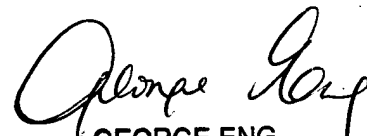
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuoc Doan  
07/09/06



GEORGE ENG  
SUPERVISORY PATENT EXAMINER